

Doc. #5512
ADOPTED
8/19/92

FIRST AMENDMENT TO REPORT AND DECISION ON
APPLICATION FOR CONSENT TO ACQUISITION OF ONE BEACON STREET
CHAPTER 121A PROJECT BY THE PRUDENTIAL INSURANCE COMPANY OF
AMERICA

Reference is made to an Application dated August 17, 1992 by The Prudential Insurance Company of America to the Boston Redevelopment Authority for approval of a proposed change to the Chapter 121A Project known as One Beacon Street which would permit institutional use of a portion of the mezzanine/Somerset Street level for classroom space and student matriculation. The Application also seeks the granting by the Authority, pursuant to its powers under C. 121A and section 13 of C. 652 of the Acts of 1960, of a zoning deviation permitting the establishment of an institutional use of the portion of the mezzanine/Somerset Street level of the Project.

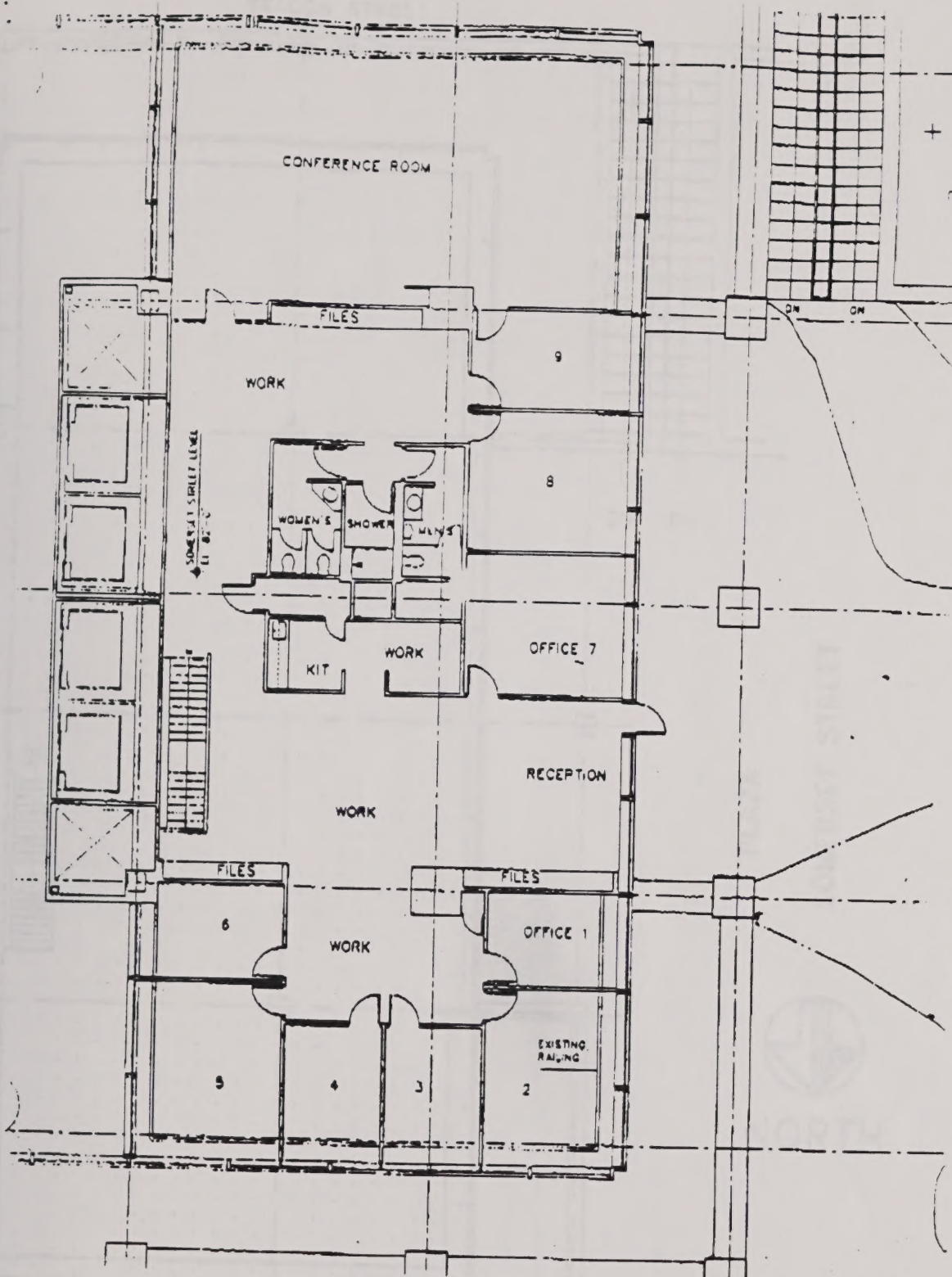
At a meeting of the Authority duly called and held at the offices of the Authority on August 19, 1992, Prudential, acting through its counsel, Daniel J. Mullen, Esq., presented the Application. Mr. Mullen showed a plan of the portion of the Project, containing 6934 square feet of rentable square feet, which Prudential has agreed to lease to Suffolk University. The space to be leased to Suffolk will have as its entrance an access door opening off of Somerset Street. As part of the tenant improvements, the Somerset Street entrance will be made

accessible to individuals with disabilities. Attorney Mullen pointed out that the mezzanine space proposed to be leased to Suffolk had been vacant for four years. Revenues from the Suffolk rental space would enhance the revenues which the city receives from the Project since the Project is subject to a contract with the City to pay to the city, subject to certain limitations, 23% of the gross income of the Project, as defined in the contract.

The proposed institutional use is considered a conditional use under the Boston Zoning Code, requiring the granting of a conditional use permit. The Application seeks the granting of a zoning deviation from Section 45.14.4 (1) to permit the institutional use. Evidence was presented that the proposed location will serve as an appropriate adjunct to the nearby Suffolk Campus; that the institutional use can be accommodated at this location without derogating from the intent and purpose of the Boston Zoning Code and that the use will not create a nuisance to the neighborhood or a hazard to traffic nor will it adversely affect the neighborhood.

After due deliberation, the Authority determines that the proposed change adding this small amount of institutional use to the Project is not a fundamental change to the Project and specifically approved the proposed change in use of the mezzanine/ Somerset Street level to allow institutional use for classroom use and offices for student matriculation.

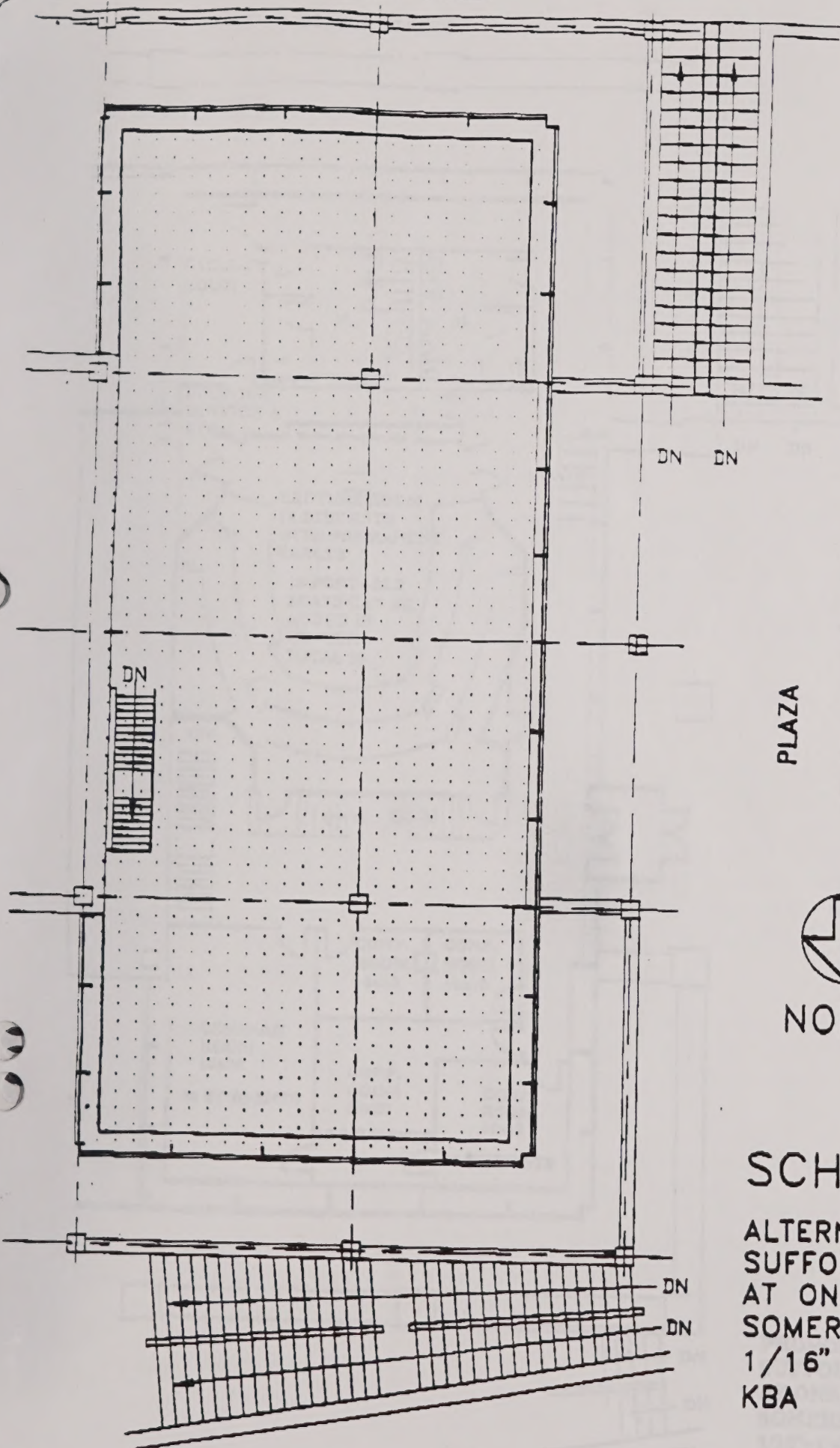
The Authority also finds that the establishment of the proposed institutional use in the mezzanine/Somerset Street level of the Project will not derogate from the intent and purposes of the Boston Zoning Code; that the Project facilities are adequate and appropriately located for such use and that the use will not create any nuisance or hazard to vehicles or pedestrians or adversely affect the neighborhood and accordingly grants a deviation from Section 45.14.4(i) of the Boston Zoning Code to permit the establishment of the proposed institutional use in the Project.



SCHEME

ALTERNATE PLAN FOR
SUFFOLK UNIVERSITY
AT ONE BEACON ST.
SOMERSET ST. M672
1/10" = 1'-0"
KBA

BEACON STREET



DN DN

PLAZA

SOMERSET STREET

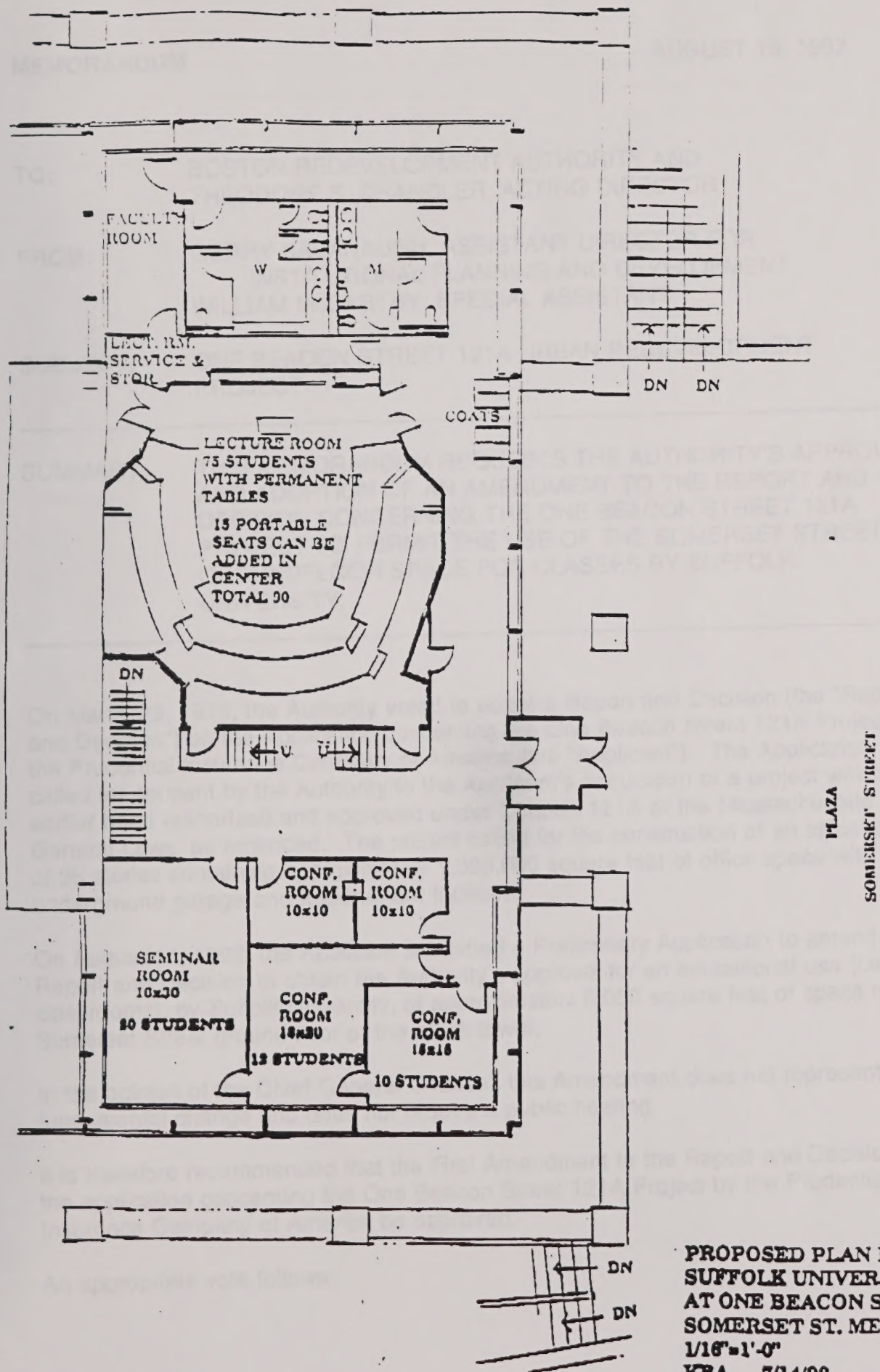


NORTH

SCHEME

ALTERNATE PLAN FOR
SUFFOLK UNIVERSITY
AT ONE BEACON ST.
SOMERSET ST. MEZZ.
1/16" = 1'-0"
KBA

BEACON STREET



PROPOSED PLAN FOR
SUFFOLK UNIVERSITY
AT ONE BEACON ST.
SOMERSET ST. MEZZANINE
1/16"=1'-0"
KBA 7/14/92 3

MEMORANDUM

AUGUST 19, 1992

TO: BOSTON REDEVELOPMENT AUTHORITY AND
THEODORE S. CHANDLER, ACTING DIRECTOR

FROM: GERRY KAVANAUGH, ASSISTANT DIRECTOR FOR
INSTITUTIONAL PLANNING AND DEVELOPMENT
WILLIAM MCCARTHY, SPECIAL ASSISTANT

SUBJECT: ONE BEACON STREET 121A URBAN REDEVELOPMENT
PROJECT

SUMMARY: THIS MEMORANDUM REQUESTS THE AUTHORITY'S APPROVAL AND ADOPTION OF AN AMENDMENT TO THE REPORT AND DECISION CONCERNING THE ONE BEACON STREET 121A PROJECT TO PERMIT THE USE OF THE SOMERSET STREET GROUND FLOOR SPACE FOR CLASSES BY SUFFOLK UNIVERSITY.

On March 23, 1978, the Authority voted to adopt a Report and Decision (the "Report and Decision") on the Application concerning the One Beacon Street 121A Project by the Prudential Insurance Company of America (the "Applicant"). The Application called for consent by the Authority to the Applicant's acquisition of a project which had earlier been authorized and approved under Chapter 121A of the Massachusetts General Laws, as amended. The project called for the construction of an office tower of 36 stories containing approximately 1,000,000 square feet of office space with an underground garage and appurtenant facilities.

On August 14, 1992, the Applicant submitted a Preliminary Application to amend the Report and Decision to obtain the Authority's approval for an educational use (i.e., classrooms), by Suffolk University, of approximately 6,000 square feet of space on the Somerset Street ground-floor of the office tower.

In the opinion of the Chief General Counsel, this Amendment does not represent a fundamental change and does not require a public hearing.

It is therefore recommended that the First Amendment to the Report and Decision on the application concerning the One Beacon Street 121A Project by the Prudential Insurance Company of America be approved.

An appropriate vote follows:

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA
Prudential Center
Suite 4800
Boston, Massachusetts 02199

August 17, 1992

Mr. Theodore S. Chandler
Acting Director
Boston Redevelopment Authority
One City Hall Square
Boston, Massachusetts 02201

Re: Suffolk University Lease
One Beacon Street

Dear Mr. Chandler:

Reference is made to an Application dated July 9, 1969 by the Northern Assurance Company of America, The Employers' Fire Insurance Company, American Employers' Insurance Company, The Pennsylvania Insurance Company and Commercial Union Insurance Company of America (the "Employers' Commercial Union Insurance Group") for approval of a project to be undertaken under Chapter 121A of the General Laws (Ter. Ed.), as amended, and Chapter 652 of the Acts of 1960, as amended; the Certificate of Vote dated August 28, 1969 of the Boston Redevelopment Authority adopting the Report and Decision on the Application pursuant to which the Boston Redevelopment Authority approved a Chapter 121A project now known as One Beacon Street, Boston, Massachusetts, now owned by the The Prudential Insurance Company of America ("Prudential"), as amended by the Authority on June 18, 1970 (approved by the Mayor on July 16, 1970) and again on September 3, 1970 (approved by the Mayor on September 29, 1970), and the Report and Decision on Application for Consent to Acquisition of the One Beacon Street Chapter 121A Project by the Prudential Insurance Company of America adopted by the Authority on March 23, 1978.

1. Background Information. The Project was constructed by the Employers Commercial Union Insurance Group on or about 1970. The Project consists of a high rise office tower and an underground parking garage primarily for use of the occupants of the building along with a plaza area surrounding the building on Pemberton Square and Tremont and Beacon Streets. The Project was acquired by Prudential in January, 1979

Mr. Theodore Chandler
August 17, 1992
Page 2

following the granting of the Authority's consent referenced above.

2. Proposed Change. The Project includes a mezzanine level (referred to here as the mezzanine/Somerset Street level) certain parts of which have proved to be difficult to lease. Suffolk University desires to lease a portion of the mezzanine /Somerset Street level (together with emergency access from the Beacon Street level) containing approximately 6934 square feet of rentable floor area primarily for an institutional use for classroom space and offices for student matriculation. This space has been vacant for four years. Access to the space will be from Somerset Street. The Somerset Street access will be modified to make it accessible to individuals with disabilities. This change in use does not constitute a change in the type or character of the Project.

3. Zoning Deviations Required. Prudential is advised that the proposed change will require the following deviation from the Boston Zoning Code:

A deviation from Section 45.14.4(i) to permit the establishment of the proposed institutional use in the Project. The proposed institutional use is a conditional use under this Section 45.14.4(i), requiring the grant of a conditional use permit.

Prudential believes that the establishment of the proposed institutional use in the mezzanine/Somerset Street level of the Project will not derogate from the intent and purposes of the Boston Zoning Code; that the Project facilities are adequate and appropriately located for such use and that the use will not create any nuisance or hazard to vehicles or pedestrians or adversely affect the neighborhood.

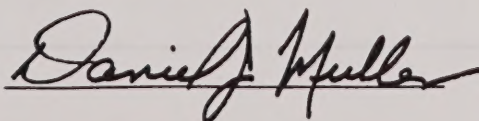
4. Actions Requested. Prudential respectfully requests that the Authority take the following action:

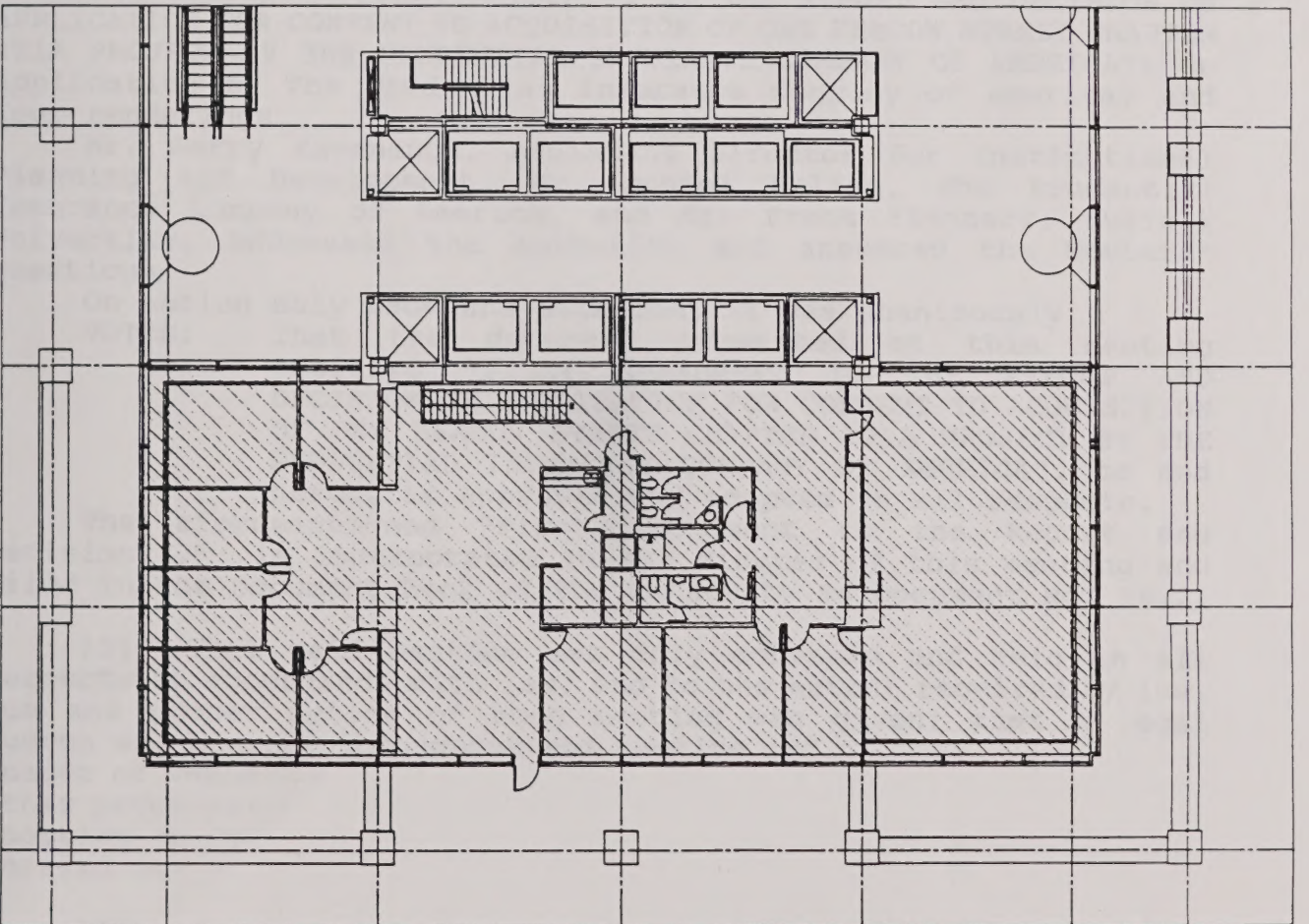
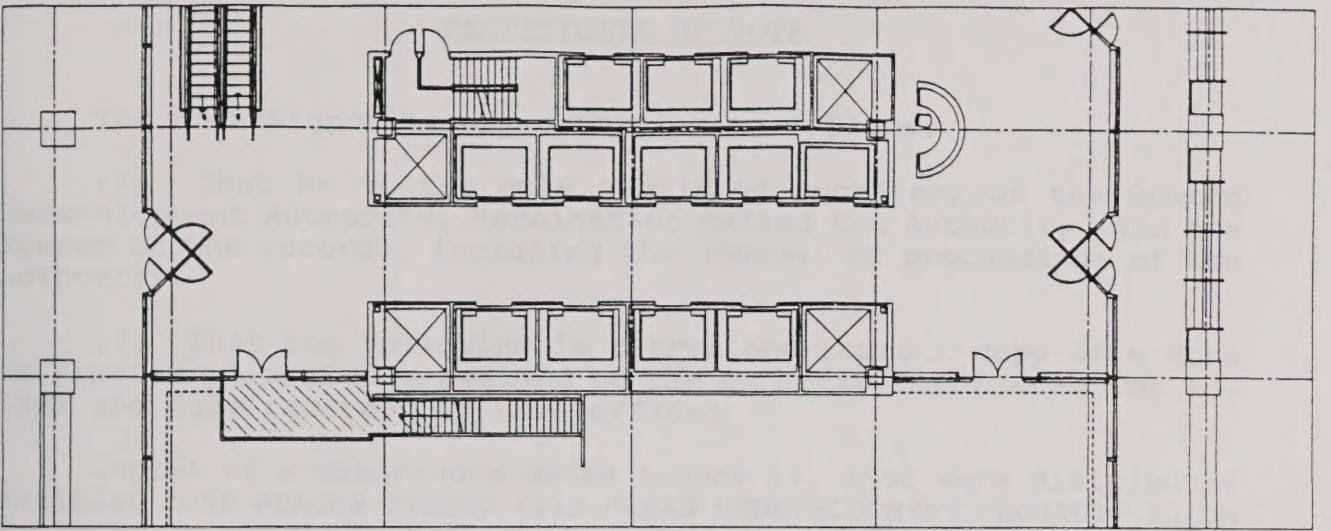
(i) Approve the proposed change in use to allow an institutional use for classroom and offices for student matriculation in the mezzanine/Somerset Street level and determine that such change does not constitute a fundamental change in the Project;

(ii) Grant the zoning deviation referenced in Section 3 above.

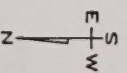
Respectfully submitted,

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA

By: 



SOMERSET STREET



Mezzanine/Somerset Street Level
One Beacon Street
Boston, Massachusetts

23 July 199.

CERTIFICATE OF VOTE

The undersigned hereby certifies as follows:

(1) That he is the duly qualified Secretary of the Boston Redevelopment Authority, hereinafter called the Authority, and the keeper of the records, including the journal of proceedings of the Authority.

(2) That the following is a true and correct copy of a vote as finally adopted at a meeting of the Authority held on August 19, 1992 and duly recorded in this office:

Copies of a memorandum dated August 19, 1992 were distributed entitled "ONE BEACON STREET 121A URBAN REDEVELOPMENT PROJECT" which included a proposed vote. Attached to said memorandum was a document entitled "FIRST AMENDMENT TO THE REPORT AND DECISION ON APPLICATION FOR CONSENT TO ACQUISITION OF ONE BEACON STREET CHAPTER 121A PROJECT BY THE PRUDENTIAL INSURANCE COMPANY OF AMERICA"; an Application by The Prudential Insurance Company of America; and four renderings.

Mr. Gerry Kavanaugh, Assistant Director for Institutional Planning and Development, Mr. Daniel Mullen, The Prudential Insurance Company of America, and Mr. Frank Flannery, Suffolk University, addressed the Authority and answered the Members' questions.

On motion duly made and seconded, it was unanimously

VOTED: That the document presented at this meeting entitled "FIRST AMENDMENT TO THE REPORT AND DECISION ON APPLICATION FOR CONSENT TO ACQUISITION OF ONE BEACON STREET CHAPTER 121A PROJECT BY THE PRUDENTIAL INSURANCE COMPANY OF AMERICA", be and hereby is approved and adopted in all respects.

The aforementioned "First Amendment to the Report and Decision..." is incorporated in the Minutes of this meeting and filed in the Document Book of the Authority as Document No. 5512.

(3) That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Authority voted in a proper manner and all other requirements and proceedings under law incident to the proper adoption or the passage of said vote have been duly fulfilled, carried out and otherwise observed.

(4) That the document to which this certificate is attached is in substantially the form as that presented to said meeting.

(5) That if an impression of the seal has been affixed below, it constitutes the official seal of the Boston Redevelopment Authority, and this certificate is hereby executed under such official seal.

(6) That Paul L. Barrett is the Director of this Authority.

(7) That the undersigned is duly authorized to execute this certificate.

IN WITNESS WHEREOF, the undersigned hereunto has set his hand this Thirty-first day of August 1992.

BOSTON REDEVELOPMENT AUTHORITY

By: _____

Secretary

APPROVED:

Including, without limiting the generality of the foregoing, the "FIRST AMENDMENT TO THE REPORT AND DECISION ON APPLICATION FOR CONSENT TO ACQUISITION OF ONE BEACON STREET CHAPTER 121A PROJECT BY THE PRUDENTIAL INSURANCE COMPANY OF AMERICA," the August 19, 1992, vote of the Authority approving said First Amendment, and the permissions contained in said First Amendment to the Report and Decision for the project to deviate from zoning regulations.

Mayor of the City of Boston

Date

Attest:

City Clerk

Secretary
Boston Redevelopment Authority

BOSTON
REDEVELOPMENT
AUTHORITY

Raymond L. Flynn
Mayor

Stephen Coyle
Director

One City Hall Square
Boston, MA 02201
(617) 722-4300

August 31, 1992

Honorable Raymond L. Flynn
Mayor of Boston
City Hall
Boston, Massachusetts

SUBJECT: FIRST AMENDMENT TO REPORT AND DECISION
ON APPLICATION FOR CONSENT TO ACQUISITION
OF ONE BEACON STREET CHAPTER 121A PROJECT

Dear Mayor Flynn:

At the regular meeting of August 19, 1992, the Authority approved and adopted the document entitled: "FIRST AMENDMENT TO REPORT AND DECISION ON APPLICATION FOR CONSENT TO ACQUISITION OF ONE BEACON STREET CHAPTER 121A PROJECT BY THE PRUDENTIAL INSURANCE COMPANY OF AMERICA". The adoption of this document constitutes approval by the Authority.

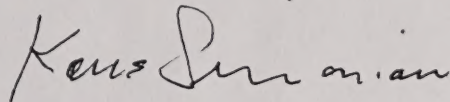
Enclosed herewith for your review are four copies of the "FIRST AMENDMENT TO REPORT AND DECISION ON THE APPLICATION FOR CONSENT TO ACQUISITION OF ONE BEACON STREET CHAPTER 121A PROJECT...", together with the Application therefor. Attached to each copy of the Amendment is a Certificate of Vote executed by the undersigned as Secretary.

Section 12 of Chapter 652 of the Acts of 1960 provides as follows: "...provided, however, that no vote of the Authority approving a project or any change therein, or making or amending any rule, regulation or standard therefor, shall be in force until approved by the Mayor of said City." Your approval pursuant to Section 12 is respectfully requested.

The Approval Form which is attached to each set of the aforementioned documents is in the form previously approved by the City of Boston Law Department.

If the vote of the Authority approving the "First Amendment to Report and Decision on Application for Consent to Acquisition of One Beacon Street Chapter 121A Project by the Prudential Insurance Company of America" meets with your approval, please sign all four copies of the Approval Certificate, one copy of which I am required as Secretary to file with the City Clerk pursuant to Chapter 652 of the Acts of 1960.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Kane Simonian". The signature is fluid and cursive, with the first name "Kane" and last name "Simonian" clearly distinguishable.

Kane Simonian
Secretary

KS:TG
Attachments

